

REMARKS/ARGUMENTS

Claims 5-41 are pending. Claims 30-41 are New. Claims 1-4 have been Canceled. Claims 10-14, 16-29, 38 and 39 have been Withdrawn as non-elected Method claims of the Restriction Requirement with the proviso that withdrawn claims can be rejoined if the elected composition claims are allowed and the method claims contain all the limitations of the composition claims. Claims 5-9, 15, 30-37, 40 and 41 are elected for Examination as being directed to the Composition claims of the Restriction Requirement. This election is without traverse.

Applicant respectfully requests the entrance of the amendments to the claims. The claims have been amended to claim more precisely the disclosed invention. The amendments have not been made to narrow the claims for patentability.

Claims 1-14 and 16-24

Original Claims 1-14 and 16-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Woznicki et al. (example III, claims), Franco (abstract), JP 07215836 (abstract), JP 08012563 (abstract), JP 2001323263 (abstract), FR 2483227 (abstract) or FR 2555447 (abstract).

Independent New Claim 30 and dependent claims 5-9, 15, 31-37, & 40-41 have been amended to more precisely claim the composition as a “medicament” that is “ingestible”. All of the cited Prior Art disclose cosmetic compositions that are applied to the surface of the skin, which are neither a “medicament” nor “ingestible”. Additionally, the cosmetic compositions in the cited Prior Art do not have these qualities as inherent characteristics, even if they are not directly disclosed.

We respectfully ask for the withdrawal of this 102(b) rejection, and allowance of Claim 30 and its dependent claims 5-9, 15, 31-37, & 40-41.

Claims 1-24

Original Claims 1-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Woznicki et al. (example III, claims), Franco (abstract), JP 07215836 (abstract), JP 08012563 (abstract), JP 2001323263 (abstract), FR 2483227 (abstract) or FR 2555447 (abstract) taken with

JP 58180410 (abstract), Borowy-Borowski et al. '826 (col. 2, line 65-col. 3, line 25, ex. 21), Borowy-Borowski et al. '172 (ex. 21), Hoppe et al. '575 (col. 1, lines 50-65, claims) or Hoppe et al. '062 (col. 1, lines 45-60, claims).

Independent New Claim 30 and dependent claims 5-9, 15, 31-37, & 40-41 have been amended to more precisely claim the composition as a "medicament" that is "ingestible". All of the cited Prior Art disclose cosmetics compositions that are applied to the surface of the skin, which are neither a "medicament" nor "ingestible". Additionally, the cosmetic compositions in the cited Prior Art do not have these qualities as inherent characteristics, even if they are not directly disclosed.

The addition of CoQ10 to the disclosed cosmetic compositions does not make them a "medicament" or "ingestible".

We respectfully ask for the withdrawal of this 103(a) rejection, and allowance of Claim 30 and its dependent claims 5-9, 15, 31-37, & 40-41.

Claims 10-14, 16-29, 38 and 39

Claims 10-14, 16-29, 38 and 39 are currently Withdrawn from examination as being directed to non-elected Method claims. Currently, the methods claims contain all the limitations of the composition claims and are hereby requested for rejoinder with the elected claims. MPEP §821.94 states that when a restriction is required between product and process claims, if the applicant elects claims directed to the product, and a product claim is subsequently found allowable, then withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

We respectfully ask for rejoinder and examination of Claims 10-14, 16-29, 38 and 39 and allowance of these claims with the above elected claims.

Conclusion

The claims have been amended to claim more precisely the disclosed invention. The amendments have not been made to narrow the claims for patentability.

No new matter has been added by the amendments to the claims.

The term "medicament" is not defined or used in the specification; however, its common definition found in Merriam-Webster Online Dictionary ["a substance used in therapy"] describes many of the disclosed embodiments listed in paragraphs [0149] to [0160].

The term "ingestible" [adjective] is descriptive of the manner that would be used to administer compressed tablets, softgel gelatin, hard gel two-piece gelatin, beads, granules, and/or liquid coats (paragraph [0170]).

The geranyl geraniol trans-to-cis isomer ratios of 100:1 to 1:100, 5:1 to 1:5 and 1:1 are disclosed in paragraph [0185].

The tocotrienol delta-to-gamma ratios of 100:1 to 1:100, 5:1 to 1:5 and 1:1 are disclosed in paragraph [0186].

In view of Applicant's remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt examination and allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Excess claim fees of \$200.00 are believed due; however, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to credit card information.



Kirk Hahn
Agent of Record
Registration No. 51,763
Customer Number 038051
714-544-2934